

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT A. MAZZONE, JR.,

Plaintiff,

-against-

TOWN OF SOUTHAMPTON, et al.,

Defendants.
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JOSEPH F. BIANCO, District Judge:

For the reasons set forth in detail on the record during the November 30, 2017 telephone conference, the Court adopts the thorough and well-reasoned Report and Recommendation ("R&R," ECF No. 26) from Magistrate Judge Arlene R. Lindsay with two exceptions: (1) with respect to the malicious prosecution claims, the Court adopts the R&R's analysis regarding the pleading defects that warrant dismissal but, given those defects, declines to consider at this time whether defendants are also entitled to qualified immunity; and (2) with respect to plaintiff's false arrest claims arising out of plaintiff's 2015 charges, the Court, in its discretion, stays consideration of these claims until the appeal is resolved with respect to the convictions for some of those charges.

Accordingly, IT IS ORDERED that defendants' motion to dismiss (ECF No. 18) is granted as to all claims except for the false arrest claims arising out of plaintiff's 2015 charges.

IT IS FURTHER ORDERED that plaintiff is granted leave to file an amended complaint, which plaintiff shall file by January 4, 2018.

IT IS FURTHER ORDERED that plaintiff's false arrest claims arising out of his 2015

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U.S. DISTRICT COURT E.D.N.Y.
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LONG ISLAND OFFICE

ORDER

16-CV-4515 (JFB) (ARL)

charges are stayed pending the resolution of plaintiff's appeal.

IT IS FURTHER ORDERED that the parties shall abide by the following briefing schedule with respect to defendants' anticipated motion to dismiss plaintiff's amended complaint:

Defendants shall file their motion to dismiss by February 16, 2018;

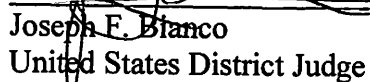
Plaintiff shall respond by March 16, 2018; and

Defendants shall reply by March 30, 2018; and

Oral argument is scheduled for April 18, 2018, at 4:30 p.m.

SO ORDERED.

Dated: December 1, 2017
Central Islip, New York


Joseph F. Blanco
United States District Judge